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LETTER DATED 15 DECEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF UGANDA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to reply to the memorandum of the Democratic Republic of the Congo, circulated as document S/1998/1146, and to request that this reply be circulated as a document of the Security Council.

(Signed) Prof. SEMAKULA KIWANUKA Ph.D.
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Uganda
to the United Nations

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Annex

Letter from the Permanent Representative of Uganda replying to the memorandum dated 2 December 1998 from the Government of the Democratic Republic of the Congo

The Government of Uganda categorically refutes the baseless allegations, made in the above-mentioned memorandum, that Uganda has committed crimes against humanity and engaged in human rights violations in the Democratic Republic of the Congo. Below we shall give a gruesome picture of the situation in the Democratic Republic of the Congo based on investigations by international agencies. We shall show that it is the authorities in that country who have committed grave human rights violations against their own people.

Today it is internationally acknowledged by Amnesty International, Human Rights Watch and many other international rights and humanitarian agencies that, since coming to power, the Kabila regime has been responsible for gross human rights abuses in the Democratic Republic of the Congo. In order to hide these gross violations, the authorities in the Democratic Republic of the Congo are looking for scapegoats. The fact of the matter is that the conflict in the Democratic Republic of the Congo is an internal crisis that has spun out of control because of the absence of an effective democratic government at the centre.

The conflict began in the towns of Goma and Bukavu in August 1998. Since then, Democratic Republic of the Congo government forces are reported by Amnesty International to have made arbitrary and unlawful arrests and killed hundreds of Congolese because of their ethnic origins. Government officials as well as the media have repeatedly incited the populace to attack the Tutsi. For example, on 8 August 1998, radio broadcasts incited listeners to jump on the people with long noses.

At the ministerial meeting on the conflict in the Democratic Republic of the Congo held in Lusaka on 26 and 27 October 1998, Amama Mbabazi, Minister of State for Foreign Affairs (regional cooperation) made the following statement, whose content the authorities in the Democratic Republic of the Congo have never refuged because they are so true:

> "The internal issues in the Democratic Republic of the Congo are as follows - tendencies towards genocide, our troops in eastern Congo have come across many massacres committed before our arrival and there were threats of more had we not arrived. Furthermore, there is evidence of extrajudicial massacres in the Democratic Republic of the Congo. This evidence exists in Kisangani, Bunia and Moba. In Isiro, machetes were distributed in preparation for a possible genocide publicized by the Kabila Government officials on radio and television. This was done by those in authority before the Rassemblement congolais pour la démocratie rebels captured Isiro."

The leaders of the present regime promised to uphold human rights when they came to power, but their record has been lamentable. Unarmed civilian

opponents, journalists, as well as human rights activists, have been detained, tortured and government forces have repeatedly engaged in extrajudicial executions. Here below is another damning catalogue of gross violations confirmed by international human rights and humanitarian agencies. What we know for a fact is that Kabila has failed to abide by the binding norms of international humanitarian law applicable to current situations of armed conflict. In particular, the Democratic Republic of the Congo has refused to prohibit the targeting of civilians and civilian objects in military operations. The record of indiscriminate attacks is endless.

Furthermore, the authorities in the Democratic Republic of the Congo have not only failed to, but have resisted:

- Ensuring humane treatment for all persons detained in connection with the conflict;

- Permitting and facilitating access by relief assistance programmes so that non-combatants in war-affected areas may receive food, medicine and other relief, and providing safe land, river and air access for the provision of humanitarian aid;

- Permitting international and humanitarian agencies to visit persons detained in connection with the conflict;

- Prohibiting the recruitment and use of child soldiers and facilitating the demobilization, rehabilitation and return to society of such children;

- Investigating the violation of international humanitarian law by members of the Allied Democratic Forces for the Liberation of the Congo and holding them accountable for such abuses in procedures that meet the minimum standards of due process established in international humanitarian law.

In view of the above record, it is an unacceptable distortion of the truth for the authorities in the Democratic Republic of the Congo to accuse Uganda of human rights violations against the Congolese. What we can conclude from this evidence is that the current conflict is the climax of massive human rights abuses and it has rightly been described by Amnesty International as a brutal reminder that stability and prosperity cannot be built on violations of human rights. It is these gross abuses of power that are fuelling the crisis. It is of course convenient for the authorities in the Democratic Republic of the Congo to blame their neighbours, but that will not make the internal crisis go away.

An examination of the politics clearly exposes the bankruptcy of the allegations. What the world has seen is an appalling and disastrous political record. A record of political nepotism and exclusion. Numerous democratic opposition groups, which for years had battled against Mobutu's dictatorship, were excluded from power. Prominent among these is Etienne Tshise Ked, who was sent into internal exile. Criticism of the regime often resulted in imprisonment. Those who are lucky escaped by being removed from their jobs. What we see in the Democratic Republic of the Congo are the appalling results of

the absence of a credible open political system. Arbitrary rule, tribalism and nepotism have eroded the confidence of those Congolese who had fought and hoped that the fall of Mobutu would usher in democratic governance.

It is not Uganda that is responsible for the woes of the Democratic Republic of the Congo. It is the failed State at the centre whose connivance with and support of rebel groups based on its soil has forced its neighbours to defend themselves.

For example, Uganda has, for a very long time, been concerned by the Sudan-backed rebels who operate from the Democratic Republic of the Congo. These groups include the Allied Democratic Forces (ADF), the West Nile Bank as well as the Uganda National Rescue Front II. All these have secure bases in the Democratic Republic of the Congo from which they periodically invade Uganda and commit atrocities.

As a matter of fact, it is Uganda that has a serious case to make against the Democratic Republic of the Congo because of its connivance with the rebel movements based on its territory who have been responsible for crimes against humanity committed against Ugandans. Below are some of the details.
Colonel Ebemba, Mobutu's Commander, who planned and led ADF to attack Uganda on 13 November 1996, was redeployed in the eastern Province of the Democratic Republic of the Congo, where ADF was operating from, by the Kabila regime. This meant that Ebemba would continue to facilitate ADF activities just as he used to do during the Mobutu days. He was transferred after Uganda bitterly protested.

Since 1996, ADF, from bases in the Democratic Republic of the Congo, has raided Uganda and killed many people, injured others and destroyed property. From November 1996, when ADF started its activities, until 24 November 1998, about 552 people have been killed, over 256 injured, 904 abducted and about 35,000 internally displaced. However, most of the abductees have been rescued. The most gruesome attack was the Kichwamba Technical College massacre of 8 June 1998 in western Uganda, in which over 80 students were burned to death and 100 abducted. The most prominent ADF attacks are the following:

Date	District	Place	People killed	People injured	Abducted
13 November 1996	Kasese	Mpondwe	20	-	400
30 April 1997	Kasese	Kasese	50	-	-
23 July 1997	Bundibugyo	Ntoroko	28	12	14
August 1997	Kabarole	Karambi	35	14	7
14 September 1997	Bundibugyo	Nyakahuka Refugee Camp	30	-	-
8 June 1998	Kasese	Kichwamba Technical College	Over 80	Several	100
1 August 1998	Kasese	Kasese Town	8	6	-

Conclusion

Uganda is not responsible for human rights abuses in the Democratic Republic of the Congo. Uganda has committed no atrocities. On the contrary, Uganda is keen to see peace restored in the Democratic Republic of the Congo because the unstable situation there has created a colossal humanitarian problem and the destabilization of its neighbours. But, at the same time, we categorically state that, as the modalities and mechanisms for an immediate ceasefire in the Democratic Republic of the Congo are being worked out by the region, the fundamental issue of the crisis is the urgent need for internal dialogue between all Congolese parties. Much as the Democratic Republic of the Congo may wish to divert attention, we categorically say that it is through dialogue that all issues of concern to the Congolese parties will be mutually addressed and resolved. To this effect, the Democratic Republic of the Congo must accept the fact that there is internal resentment in the country and therefore the authorities should enter into direct negotiations with all the opposition groups. It is equally important to recognize that the security concerns of neighbouring countries are legitimate. Measures must be put in place to ensure that no security threats against its neighbours emanate from the territory of the Democratic Republic of the Congo.

For its part, Uganda's immediate interests have always been and still are based on:

- The need to ensure total security in all parts of Uganda as well as the protection of lives and property of the people of Uganda;

- The desire to ensure maximum stability in the Great Lakes region since instability in any neighbouring country directly impinges on our own

security and economic resources. Moreover, we believe in the benefits that accrue from regional economic cooperation and integration.

These interests are legitimate and permanent. Our position on the crisis in the Democratic Republic of the Congo therefore reflects our efforts to pursue those interests.

In doing so, Uganda is committed to the principle of non-interference and good neighbourliness in accordance with the Charter of the United Nations and the Organization of African Unity. In its broader context, this principle guides our relations with all neighbouring countries, including the Democratic Republic of the Congo.